

MEMO ENDORSED



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HON. SYLVIA O. HINDS-RADIX
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December 13, 2022

VIA ECF

Hon. Valerie E. Caproni
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: R.V. v. N.Y.C. Dep't of Educ., et al, 22-cv-6837 (VEC)(BCM)

Dear Judge Caproni:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action, wherein Plaintiff seeks enforcement of an administrative order under, including pendency implementation, as well as attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request that the pre-motion conference scheduled for this Tuesday, December 20 at 10:00 a.m. on Defendants' now-abandoned partial motion to dismiss be adjourned *sine die*. Plaintiff consents to this request.

On December 6, 2022, Plaintiff emailed to Defendants a draft Second Amended Complaint which contains specificity which was lacking in the First Amended Complaint dated October 12, 2022 (ECF No. 10). Defendants have consented to Plaintiff filing a Second Amended Complaint.

Defendants have confirmed that the Student has been, at a minimum, receiving a continuous full-time special educational program in DOE public schools. From 2017/2018 through 2020/2021, the student attended a self-contained special education class in a community middle school. For the 2021/2022 and 2022/2023 school years, the student is attending an integrated co-teaching class ("ICT") for special education and general education students in a community high school. Defendants have provided Plaintiff with requested Encounter Attendance Records, and anticipate that this case will be on settlement track and expect the case can be fully resolved without the need to burden the Court with any motion practice.

Accordingly, Defendants respectfully request that the Court stay the Defendants' time to respond to the Amended Complaint as well as the Second Amended Complaint (once filed) and the parties respectfully request that a joint status letter be submitted by January 30, 2023 to advise the Court on the status of settlement discussions.

Thank you for considering these requests.

Respectfully submitted,

/s/Hyunjung Kim

Hyunjung Kim

Special Assistant Corporation Counsel

cc: Erin O'Connor (via ECF)

Application GRANTED. The conference scheduled for December 20, 2022, is hereby CANCELLED. The parties must provide a joint status update on settlement by no later than **January 30, 2023**.

SO ORDERED.



Date: 12/16/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE